

UNITED STATES COURT OF APPEALS

FEB 10 2014

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

STATE OF ARIZONA,

Plaintiff - Appellee,

v.

CITY OF TUCSON,

Intervenor-Plaintiff -

Appellee,

v.

ASHTON COMPANY INCORPORATED  
CONTRACTORS AND ENGINEERS;  
BALDOR ELECTRIC COMPANY; DON  
MACKEY OLDSMOBILE CADILLAC,  
INC.; DUNN-EDWARDS  
CORPORATION; DURODYNE, INC.;  
FERSHA CORPORATION; FLUOR  
CORPORATION; GENERAL  
DYNAMICS CORPORATION;  
GOODYEAR TIRE & RUBBER  
COMPANY; LOCKHEED MARTIN  
CORPORATION; HOLMES TUTTLE  
FORD, INC.; INDUSTRIAL PIPE  
FITTINGS, LLC; TUCSON FOUNDRY  
& MANUFACTURING  
INCORPORATED; ROWE  
ENTERPRISES INCORPORATED;  
PIMA COUNTY COMMUNITY  
COLLEGE DISTRICT; ROLLINGS  
CORPORATION; TEXTRON  
INCORPORATED; ABB  
INCORPORATED; COMBUSTION

No. 12-15691

D.C. No. 4:10-cv-00634-CKJ

District of Arizona,

Tucson

ORDER

ENGINEERING INCORPORATED;  
TEXAS INSTRUMENTS, INC.;  
TUCSON DODGE INCORPORATED;  
WARNER PROPELLER & GOVERNOR  
COMPANY, LLC; FLUOR  
ENTERPRISES, INC.,

Defendants - Appellees,

v.

RAYTHEON COMPANY; PIMA  
COUNTY,

Intervenors - Appellants,

UNIVERSITY OF ARIZONA; ARIZONA  
BOARD OF REGENTS; TOMKINS  
INDUSTRIES, INC.; TUCSON AIRPORT  
AUTHORITY; TUCSON ELECTRIC  
POWER COMPANY,

Intervenor-Defendants -  
Appellants.

Before: CALLAHAN and M. SMITH, Circuit Judges, and KORMAN, Senior  
District Judge.\*

By February 25th, 2014, the parties shall each submit a supplemental brief,  
of no more 3,000 words, addressing the following question: What level of

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\* The Honorable Edward R. Korman, Senior District Judge for the U.S.  
District Court for the Eastern District of New York, sitting by designation.

deference does the district court owe to the Arizona Department of Environmental Quality's judgment, in its review of the proposed CERCLA consent decrees?